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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
Y06S010

First named inventor: Kiyohiko YAMAYA

Application No.: 10/690,603

Art Unit: 2837

Filed: October 23, 2003

Examiner: Jianchun Qin

Title: METHOD OF PROCESSING SOUNDS FROM STRINGED INSTRUMENT AND PICKUP DEVICE FOR THE SAME

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity-fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Amendment and response to Office Action (identify type of reply):

- ☐ has been filed previously on _____
☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____.

- ☐ has been paid previously on _____
☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

11/06/2006 DEHANU1 00000035 10690603

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Konomi Takeshita
Signature

10/30/06
Date

Konomi Takeshita
Typed or printed name

38,333
Registration Number, if applicable

Eight Penn Center, Suite 1901
Address

215-701-6349
Telephone Number

1628 John F. Kennedy Blvd. Philadelphia, PA 19103
Address

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☒ Other: Return Postcard

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

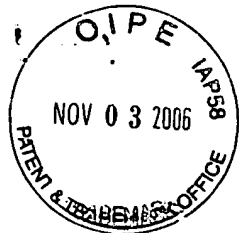
Oct. 31, 2006

Date

Miki Yamaguchi
Signature

Miki Yamaguchi

Typed or printed name of person signing certificate



Serial No.: 10/690,603

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Application : **Group Art Unit:** 2837
Kiyohiko YAMAYA :
Serial Number: 10/690,603 : **Examiner:** Jianchun Qin
:
Filed: October 23, 2003 : **Attn. Docket No.:** Y06S010
:
Title: METHOD OF PROCESSING : **Date:** October 30, 2006
SOUNDS FROM STRINGED
INSTRUMENT AND PICKUP DEVICE
FOR THE SAME

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**AFFIDAVIT OF KONOMI TAKESHITA IN SUPPORT OF A
PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Sir:

I, Konomi Takeshita, an attorney licensed to practice before the U.S. Patent and Trademark Office (USPTO), with the Registration Number 38,333, and being of full age, solemnly affirm and say that:

1. I am currently an Attorney of Record in the above matter and have personal knowledge of the matters herein referred to by me, except where indicated to be on information and belief, and where so stated I verily believe them to be true.
2. On or about June 26, 2006, Ms. Miki Yamaguchi, a paralegal at our law firm of Omori & Yaguchi USA, LLC d/b/a Keisen Associates, checked at the USPTO Web site and learned that the above-referenced U.S. Patent Application Serial No. 10/690,603 was in abandoned status. The USPTO had mailed a Notice of Abandonment For Failure to Respond to Office Action on March 17, 2006.
3. At that time in June 2006, we did not have a Power of Attorney in the matter. However, because of our work for the Applicant, Mr. Kiyohiko Yamaya, in another case (which recently

issued as U.S. Patent No. US 7,085,391 B1), we immediately notified him as a service regarding the abandonment in the present matter.

4. Mr. Yamaya then contacted his Japanese patent agent, Tesco Co., Ltd., through which the U.S. law firm, Johnson & Associates, P.C., had filed this application in the USPTO. The Japanese agent stated that they hadn't received any Office Action notice from the Johnson firm. They tried to contact the Johnson firm.

5. On or about July 11, 2006, the Japanese agent managed to reach the Johnson firm in the U.S., which claimed that they had in fact notified the Japanese agent about the Office Action. Apparently, the Johnson firm told the Japanese agent that the patent application could be revived, so there probably wouldn't be a problem.

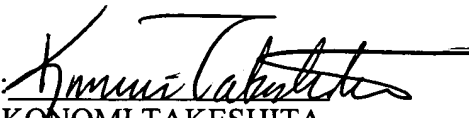
6. On July 26, 2006, at the instruction of Mr. Kiyohiko Yamaya, we faxed to the firm of Johnson & Associates a letter instructing the transfer of the case to our firm (a copy of the letter is attached as Exhibit A). We have not, to this date, received any response from the Johnson firm.

7. Also on July 26, 2006, our firm filed a "Revocation of Power of Attorney With New Power of Attorney and Change of Correspondence Address" form in the USPTO. On August 7, 2006, the USPTO mailed a notice of the acceptance of this change of attorney (a copy of the notice is attached as Exhibit B).

8. Between June 2006 and the present time, I personally attempted to reach the Johnson & Associates firm at least ten (10) times by telephone, including leaving voice mail messages. On certain of those occasions, I received only a "telephone has been temporarily disconnected" message from the telephone company, when I tried to call them.

9. To this date, we have not received any response or communications, whatsoever, from the Johnson & Associates law firm. They have not responded to any of my voice mail messages or facsimile letter.

Respectfully submitted,

By: 
KONOMI TAKESHITA
Reg. No. 38,333

Omori & Yaguchi USA, LLC d/b/a Keisen Associates
Eight Penn Center, Suite 1901
1628 John F. Kennedy Boulevard
Philadelphia, Pennsylvania 19103
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Application : **Group Art Unit:** 2837
Kiyohiko YAMAYA :
Serial Number: 10/690,603 : **Examiner:** Jianchun Qin
:
Filed: October 23, 2003 : **Attn. Docket No.:** Y06S010
:
Title: METHOD OF PROCESSING : **Date:** October 30, 2006
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INSTRUMENT AND PICKUP DEVICE
FOR THE SAME

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**AFFIDAVIT OF KIYOHICO YAMAYA IN SUPPORT OF A
PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Sir:

I, Kiyohiko Yamaya, the founder and President of a company that develops and sells pickups and related audio products called Sonaresearch Co., Ltd. in Fujisawa City, Japan, and also being of full age, solemnly affirm and say that:

1. I am the sole Applicant in the above matter and have personal knowledge of the matters herein referred to by me, except where indicated to be on information and belief, and where so stated I verily believe them to be true.
2. On October 23, 2003, the U.S. patent law firm of Johnson & Associates, P.C. filed the above-referenced U.S. Patent Application Serial No. 10/690,603 in the USPTO for me, according to the instructions of my Japanese patent agent, Tesco Co., Ltd.
3. Since that application filing, I have not received any notices regarding any Office Actions from the USPTO from either Tesco or the Johnson firm.

4. On April 6, 2006, I changed the intermediate patent agent in another case of mine (which recently issued as U.S. Patent No. US 7,085,391 B1), from Tesco to the law firm of Omori & Yaguchi USA, LLC d/b/a Keisen Associates.
5. On or about June 26, 2006, Ms. Miki Yamaguchi, a paralegal at Omori & Yaguchi, apparently learned from the USPTO Web site that the above-referenced patent application was in abandoned status. The USPTO had mailed a Notice of Abandonment For Failure to Respond to Office Action on March 17, 2006.
6. At that time in June 2006, Omori & Yaguchi did not have a Power of Attorney in the matter. Nevertheless, they immediately notified me regarding the abandonment.
7. I then contacted Tesco, which stated that they hadn't received notice of any Office Action. They tried contacting the Johnson & Associates firm in the U.S.
8. On or about July 11, 2006, Tesco managed to reach the Johnson firm, which claimed that they had in fact notified Tesco in Japan about the Office Action. The Johnson & Associates firm told Tesco that the patent application could be revived, so there probably wouldn't be a problem, in any case.
9. On July 26, 2006, Omori & Yaguchi faxed to the firm of Johnson & Associates a letter with my instructions to transfer the case to Omori & Yaguchi. Also on that date, Omori & Yaguchi filed a "Revocation of Power of Attorney With New Power of Attorney and Change of Correspondence Address" form in the USPTO.
10. Ms. Konomi Takeshita, a U.S. patent attorney at Omori & Yaguchi told me that she had tried contacting Johnson & Associates many times, between June 2006 and the present time. However, she has never been able to speak to anyone there, nor has she ever received any response or communications from them.
11. As described above, I did not learn about a pending Office Action or a Notice of Abandonment from the USPTO until on or about June 26, 2006, when Omori & Yaguchi informed me about the abandonment. Thus, the delay leading to abandonment in the present case was completely unintentional.

Respectfully submitted,

By: 
KIYOHICO YAMAYA